

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

**§ 18941. Receipt, Promise and Acceptance of Gifts.**

(a) Receipt or Acceptance of a Gift. Except as otherwise provided in this section or in California Code of Regulations, Title 2, Section 18943, a gift is "received" or "accepted" when the recipient knows that he or she has either actual possession of the gift or takes any action exercising direction or control over the gift.

(1) In the case of a rebate or discount which, based on Government Code Section 82028, would otherwise be a gift, the gift is "received" or "accepted" when the recipient knows that the rebate or discount is not made in the regular course of business to members of the public without regard to official status.

(2) Except for passes or tickets as set forth in California Code of Regulations, Title 2, Section 18946.1(a), discarding a gift does not negate receipt or acceptance of a gift.

(3) Turning a gift over to another person does not negate receipt or acceptance of a gift.

(b) Disqualification: Promise of a Gift. For the purposes of Government Code Sections 87100 and 87103, a gift is "promised" on the date an offer to give the gift is made if the recipient knows that a gift has been offered and ultimately obtains actual possession of the gift or takes any action exercising direction or control over the gift.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 82028, 86204, 87103 and 89501 through 89506, Government Code.

**HISTORY**

1. New section filed 1-26-94; operative 1-26-94 pursuant to Government Code section 11346.2(d) (Register 94, No. 4).

2. Change without regulatory effect relocating section filed 11-17-94 pursuant to section 100, title 1, California Code of Regulations (Register 94, No. 46).
3. Amendment of subsections (b)-(c) and Note filed 7-25-95; operative 7-25-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 30).
4. Amendment of section heading, repealer of subsection (a), subsection relettering, and amendment of newly designated subsection (a)(1) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).